

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

EVAN GREEBEL,

Defendant and  
Judgment Debtor,

and

CHARLES SCHWAB RETIREMENT  
PLAN SERVICES,

Garnishee.

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STIPULATION  
AND ORDER OF GARNISHMENT

15-CR-0637 (KAM)

WHEREAS, pursuant to his conviction for conspiracy to commit wire fraud, and conspiracy to commit securities fraud, pursuant to 18 U.S.C. §§ 1349 and 371, respectively, this Court imposed a Judgment against defendant Evan Greebel (“Defendant”) on August 17, 2018, and sentenced him, *inter alia*, to pay restitution in the amount of \$10,447,979.00;

WHEREAS, on or about December 13, 2018, the United States filed an Application for Writ of Continuing Garnishment against a retirement brokerage account belonging to Defendant, held at Charles Schwab Retirement Plan Services (“Charles Schwab” or “Garnishee”);

WHEREAS, on or about December 19, 2018, the Court issued a Writ of Continuing Garnishment against a retirement brokerage account belonging to Defendant, held at Charles Schwab;

WHEREAS, on or about June 12, 2020, after multiple stipulated and SO ORDERED extensions, Defendant timely filed an objection to the Writ of Continuing Garnishment;

WHEREAS, on April 16, 2021, after considering the parties’ briefs regarding Defendant’s objection, and after holding an evidentiary hearing on January 28, 2021, the Court issued an Order

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denying Defendant's objections to garnishment and instructing the United States to submit proposed orders of garnishment by April 21, 2021;

WHEREAS, on April 19, 2021, Defendant filed a Notice of Appeal with the Second Circuit Court of Appeals, Case Number 21-993 (the "Appeal");

WHEREAS, as of January 27, 2021, the balance of Defendant's Charles Schwab account was approximately \$1,495,000.00;

WHEREAS, as of April 19, 2021, the outstanding balance for restitution imposed against Defendant, with interest, is approximately \$11,117,181.22;

WHEREAS, the liquidation and distribution of funds currently held by the Garnishee would result in irreparable harm to Defendant, including income tax liability and penalties, should he prevail in his appeal; and

WHEREAS, the government seeks to protect and preserve the value of the funds currently held by the Garnishee, which it is otherwise entitled to garnish in full at this time;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties that:

(1) Within seven days of receipt of a copy of this order, the Garnishee shall liquidate the current holdings in the account of Defendant, Evan Greebel, and place the full cash balance of that account into the Morley Stable Value Fund, within Defendant's Katten Muchin Rosenman LLP Defined Contribution Plan account, until such time as a decision is rendered, or the Appeal is withdrawn;

(2) In the event that the Appeal is denied or withdrawn or otherwise decide adversely to the Defendant, the United States shall notify the Garnishee, providing a copy of said decision and, within fourteen (14) days of receiving said notice, the Garnishee shall liquidate the holdings

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in Defendant's account and pay to the Clerk of the Court the cash surrender value of Evan Greebel's interest in the Katten Muchin Rosenman LLP Defined Contribution Plan, currently held by the Garnishee on behalf of Defendant, plus any accrued interest, by check made out to the "Clerk of the Court," and mailed to the Clerk of Court, U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, and the check shall include a reference to "U.S. v. Evan Greebel, CR-15-0637;

(3) The Clerk of the Court, after receiving the above-described check from Charles Schwab, shall apply the funds to Defendant's outstanding restitution liability;

(4) The Clerk of the Court shall forward five certified copies of this Order to Assistant United States Attorney Thomas R. Price, U.S. Attorney's Office, 610 Federal Plaza, Central Islip, New York 11722; and

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(5) In the event that Defendant's Appeal is successful, in whole or in part, the parties shall seek a revised order from the Court in accordance with any such decision.

Dated: New York, New York  
May 6, 2021

Reed M. Brodsky  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue  
New York, New York 10166

/s/ Reed Brodsky  
Reed Brodsky, Esq.  
*Counsel for Defendant*

Dated: Central Islip, New York  
May 6, 2021

MARK J. LESKO  
Acting United States Attorney  
Eastern District of New York  
610 Federal Plaza  
Central Islip, New York 11722

By: /s/ Thomas R. Price  
Thomas R. Price  
Assistant U.S. Attorney  
631-715-7893  
[thomas.price@usdoj.gov](mailto:thomas.price@usdoj.gov)  
*Attorneys for the United States*

Dated: Brooklyn, New York

May 7, 2021

/s/ Kiyo A. Matsumoto  
HONORABLE KIYO A. MATSUMOTO  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF NEW YORK